

REMARKS

In the outstanding Office Action, the specification was objected to for containing grammatical and syntax errors; claims 26 and 36-43 were objected to for containing a grammatical error; claims 1-6, 11, 26, 27, 31, 45-48, 51, 52, and 55 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,895,410 to Forber et al. ("Forber"); claims 49, 50, and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Forber; and claims 53-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Forber in view of U.S. Patent No. 5,454,788 to Walker et al. ("Walker").

Further, it was indicated that claims 7-10, 12-24, 28-30, and 32-35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Additionally, it was stated that claims 36-43 would be allowable upon correction of the grammatical error.

Applicants have provided this Amendment in the new amendment format, as permitted by 1267 Off. Gaz. Pat. Office 106 (February 25, 2003). By this Amendment, Applicants have amended the specification, cancelled claims 1, 26, and 45-55, without prejudice or disclaimer, amended claims 2-24, 27-38, and 43, and have added new claims 57-79. Accordingly, claims 2-24, 27-43, and 57-79 are pending in this application. The amendments to the specification and claims, and the newly presented claims, do not introduce new matter into this application.

Applicants have amend the specification and claims as suggested by the Examiner to correct grammatical and syntax errors. Accordingly, Applicants respectfully request that the objections to the specification and claims be withdrawn.

Applicants would like to thank the Examiner for the indication that claim 36 contains allowable subject matter. Applicants have amended claim 36 to further clarify aspects of their invention. Applicant's submit that the amendments do not alter the fact that claim 36 is allowable over the prior art. Accordingly, Applicants respectfully request that claim 36 be allowed, along with claims 37-43 that depend from claim 36.

Applicants have rewritten claims 1 and 26 as new claims 57 and 68, respectively. Claims 57 and 68 are not anticipated or rendered obvious by the prior art cited in the outstanding Office Action. In particular, the structure and method recited in independent claims 57 and 68 are not disclosed or suggested by Forber or Walker. Neither Forber or Walker disclose or suggest, for example, the numerous vascular filter assembly details recited in the claims. Such vascular filter assembly details include a filter membrane, a filter support frame, filter inlet and outlet openings, and a lumen extending through a filter element from a proximal end to a distal end of the filter element.

Forber discloses pulling "an expandable implantable device" into an introducer, and then pushing the device from the introducer into a catheter by way of a appropriately dimensioned pushrod. See Col. 5, lines 9-30 of Forber. Forber is completely devoid of any teaching or suggestion of the aspects of the vascular filter assembly required by claims 57 and 68. For example, the device of Forber does not include a filter assembly having a lumen extending lumen extending through a filter element from a proximal end to a distal end of the filter element. Walker does not overcome any of the deficiencies explained above with respect to the Forber reference. For at least these reasons, independent claims 57 and 68 are allowable, along with claims 2-24, 27-35, 58-67, and 69-78 that depend from claims 57 and 68. Accordingly,

Applicants respectfully request that the Examiner withdraw the outstanding rejections and allow the pending claims.

Applicants also submit that Forber and Walker fail to disclose or suggest an urging device delivering the filter assembly into the reception space of the delivery catheter, the urging device being engagable with an abutment of the filter assembly in an expanded state of the filter assembly to assist in collapsing the filter assembly from the expanded state to a collapsed pre-deployment state, as required by claim 57.

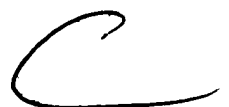
Forber requires two devices to deliver its implantable device to a catheter. The first device is identified as an inner core that pulls the implantable device into the introducer and thus forces the implantable device into its stretched condition. The second device of Forber includes a pushrod for pushing the implantable device in its stretched condition from the introducer into a catheter. Accordingly, Forber does not disclose a device that delivers a filter assembly into a reception space at a distal end of a delivery catheter and assists in collapsing the filter assembly, as required by independent claim 57.

Similarly, the separate pulling and pushing steps of Forber do not anticipate or render obvious the method of independent claim 68. In particular, Forber does not disclose engaging an urging device with an abutment of a filter assembly when the filter assembly is in an expanded state and using the urging device to deliver the filter assembly into a reception space located at a distal end of a delivery catheter, as required by independent claim 68.

For at least the above reasons, Forber and Walker do not disclose or suggest the invention set forth in independent claims 57 and 68. Accordingly, Applicants request

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that these claims be allowed. Claims 2-24 and 58-67 depend from independent claim 57, and claims 27-35 and 69-78 depend from independent claim 68. These claims 2-24, 27-35, 58-65, and 67-78 are therefore allowable for at least the same reasons that claims 57 and 68 are allowable. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each also are separately patentable.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the outstanding Office Action.


In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: July 28, 2003

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